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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,675	01/26/2000	David L. Multer	FUSN1-01001US0	8895

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EXAMINER

ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 12/30/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

9

## Office Action Summary

Application No.

09/491,675

Applicant(s)

MULTER, DAVID L.

Examiner

Mohammad Ali

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 49-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to the Amendment with Declaration under 37 C.F.R. 1.131 filed on October 15, 2003.
2. Claims 49-75 have elected and 1-48 withdrawn from the consideration.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 49-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Alley et al ('Alley'), US Patent 5,710,922.

As to claim 49, Alley discloses a data synchronization system for a first system having a plurality of data sources each with a data source format, and a second system having a plurality of data sources each with a data source format (see col. 2, lines 5-27, Fig. 3). Alley teaches 'a first data synchronizer on the first system transmitting at least one set of difference information to an output' (col. 2, lines 5-27 et seq). Finally, Alley teaches 'a second data synchronizer on the second system coupled to the first system receiving said at least one set of difference information from the first system' (col. 2, lines 55-67, Fig. 2 et seq).

As to claim 50, Alley teaches 'difference information comprises change transactions from the data source to the data destination' (col. 3, lines 4-17).

As to claim 51, Alley teaches 'a data source interface' (col. 7, lines 64 to col. 8, lines 15, Fig. 3). Further, Alley teaches 'a copy of a previous state of each said data source' (col. 2, lines 56-67). Alley teaches 'a source data constructor applying difference information to said copy' as (col. 2, lines 56-67 et seq). Finally, Alley teaches 'a difference information generator' as (col. 2, lines 56-67 et seq)

As to claim 52, Alley teaches 'difference information is transmitted from said first synchronizer to said second synchronizer in a universal format' as (col. 2, lines 56-67 et seq).

As to claim 53, Alley teaches 'data synchronizer includes a plurality of difference source interfaces, each corresponding to a data source format' as (col. 2, lines 56-67 et seq).

As to claim 54, Alley teaches 'first system and second system are coupled via a network' as (Fig. 3 et seq).

As to claim 55, Alley teaches 'network is the Internet' (Fig. 3 et seq).

As to claim 56, Alley teaches 'first system is a server and said second system is a device capable of communicating with said server' as (see col. 2, lines 5-24 et seq).

As to claim 57, Alley teaches 'first and second systems are coupled to a storage server, and said difference information is transmitted to said storage server by said first synchronizer and retrieved from said storage server by said second synchronizer' as (see col. 2, lines 5-24 et seq).

As to claim 58, Alley teaches 'systems are coupled to said storage server via the Internet' as (see col. 2, lines 5-24 et seq).

As to claim 59, Alley teaches 'a management server communicating with said first and second data synchronizers' as (see col. 2, lines 5-24 et seq)

As to claim 60, Alley teaches 'management server indicates a location on the storage server where difference information for said synchronizers are stored' as (see col. 2, lines 5-24, Fig. 3 et seq).

As to claim 66, Alley discloses a method for synchronizing at least a first file and a second file resident on a first and a second systems, respectively (see col. 2, lines 5-24 et seq). Alley teaches 'determining difference data resulting from changes to a first file on the first system' (see col. 2, lines 5-24 et seq). Further, Alley teaches 'transmitting the difference information to a second system' as (col. 3, lines 4-18 et seq). Alley teaches 'applying the difference information to generate change data for the second file'

as (col. 2, lines 55-67 et seq). Finally, Alley teaches, 'updating the second file on the second system with the difference data' as (col. 2, lines 55-67 et seq).

As to claim 67, Alley teaches 'comparing data from the first file to a copy of a previous state of data from the first file' as (col. 2, lines 55-67 et seq).

As to claim 71, Alley teaches 'step of transmitting comprises coupling the first system and the second system to a network and transmitting said information from the first system to the second system via the network' as (col. 2, lines 5-25 et seq).

As to claim 72, Alley teaches 'the network is the Internet' as (Fig. 3 et seq).

As to claim 73, Alley teaches 'step of transmitting comprises coupling the first system and the second system to a server and transmitting said information from the first system to the server, and from the server to second system' as (col. 3, lines 5-25 et seq)

As to claim 74, Alley teaches 'step of coupling includes coupling the first and second system to the server via a network' as (col. 2, lines 5-24 et seq).

As to claim 75, Alley teaches 'the network is the Internet' (Fig. 3 et seq).

As to claim 61, Alley disclose a data synchronization system (see col. 2, lines 5-24 et seq). Alley teaches 'a server' as synchronize a new user dataset, such as one in a server computer that stores user information (see col. 2, lines 5-24 et seq). Further, Alley teaches 'a first system having a plurality of data file types on the system' as (see col. 2, lines 5-24 et seq). Alley teaches 'a differencing synchronizer on the first system extracting a first set of differencing data from the data files on the first system when the data files on the system are changed, outputting the differencing data to the server, and

retrieving differencing data from the server and applying it to selected data files on the first system' as (see col. 2, lines 5-24, Abstract et seq). Alley teaches 'at least one second system having a second plurality of data file types on the second system' as (see col. 2, lines 5-24 et seq) Finally, Alley teaches 'a differencing synchronizer on the second system the differencing data from the data files on the second system when the data files on the system are changed, outputting the differencing data to the server, and retrieving the first set of differencing data from the server and applying it to selected data files on the second system' as (col. 3, lines 4-25, col. 2, lines 4-24 et seq).

As to claim 62 Alley teaches 'the system are coupled to allow transfer of said difference data between systems' as (col. 3, lines 5-24, Fig. 3)

As to claim 63, Alley teaches 'systems are coupled via the Internet' (see Fig. 3 et seq).

As to claim 64, Alley teaches 'a server coupled to each of said first and second systems to receive, store, and output said first set and said second set of differencing data' as (see col. 2, lines 5-24 et seq).

As to claim 65, Alley teaches 'first system is a server and said second system is a device capable of communicating with said server' as (col. 2, lines 4-25, Fig. 3 et seq)

As to claim 68, Alley teaches 'comparing step comprises data from said first file, converting said data to a universal file format, providing 'said copy of said data in said universal format, and comparing said data and said copy to provide difference data in said universal format' as (col. 2, lines 55-67).

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As to claim 69, Alley teaches 'constructing new file data for said second file in said universal data format' as (col. 2, lines 4-25, Fig. 3).

As to claim 70, Alley teaches 'updating comprises translating said new file data into a format of said second file' as (col. 2, lines 55-67 et seq).



**Contact Information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

  
Mohammad Ali

Patent Examiner

AU 2177

MA

December 27, 2003